HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE R.SUBHASH REDDY

WAMP No.4294 of 2005

and

W.A. No.2426 of 2005

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Between:

The Managing Committee of Masjid E Qauadri,

Syed Aliguda, Hyderabad, rep. by its Secretary

Mohd Hussain Khan, S/o Late Mohd Fakhruddin Khan

…Appellant

and

1. The Chief Executive Officer, A.P.State

Wakf Board, Office at Hajj House Building,

Hyderabad.

2. Syed Obaid Quadri, S/o Syed Ahmed Quadri,

R/o H.No.12-2-37/1/A/36, Zeba Bagh, Muradnagar,

Hyderabad.

…Respondents

::J U D G M E N T::

Counsel for the appellant :Mr. Mohd Moin Ahmed Quadri

Counsel for respondent No.1 :Mr.K.Ramakanth Reddy

Standing Counsel for A.P.Wakf Board

Counsel for respondent No.2 :Mr Nazir Ahmed Khan

6th December, 2005

(Per G.S.Singhvi, CJ):

The prayer made by the appellant for dispensing with the filing of the certified copy of the order impugned in the appeal is accepted.

Heard learned counsel for the parties and perused the record.

The appeal is directed against order dated 10-11-2005 passed by the learned Single Judge, thereby while rejecting the appellant's prayer for vacating interim order dated 29-06-2005, admitted the writ petition and fixed the same for final disposal on 20-12-2005.

Sri Mohd Moin Ahmed Quadri, learned counsel for the appellant, submits that by taking advantage of the interim order passed by the learned Single Judge, the writ

petitioner is prosecuting the civil suit (O.S.No.23 of 2004) filed by him and if that is allowed to be done, the rights of the appellant will be jeopardized.

Learned counsel for the writ petitioner (respondent No.2 herein) fairly states that his client will not prosecute the civil suit for a period of four weeks.

In view of the above, we do not consider it proper to interfere with the order passed by the learned Single Judge, which is essentially an interlocutory order and dismiss the appeal with the hope that the learned Single Judge will decide the main petition as early as possible. No order as to costs.

G.S.SINGHVI, CJ

6th December, 2005

R.SUBHASH REDDY, J

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